

E-FILED - 2/13/09

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE INC., AOL LLC, YAHOO! INC., IAC
SEARCH & MEDIA, INC., and LYCOS, INC.,

Plaintiffs,

v.

L. DANIEL EGGER, SOFTWARE RIGHTS
ARCHIVE, LLC, and SITE TECHNOLOGIES,
INC.,

Defendants.

Case No. C-08-03172-RMW

**[] ORDER RE:
AGREED RULE 7-11 MOTION
TO CONSOLIDATE PENDING
MOTIONS AND ASSIGN
RELATED MISCELLANEOUS
ACTION TO THIS COURT**

Judge: Hon. Ronald M. Whyte

1 **¶ ORDER**

2 Currently before this Court in this action are:

- 3 • Defendants' Motion to Dismiss, Transfer or Stay ("Motion to Dismiss"), filed on
- 4 November 10, 2008;
- 5 • Plaintiffs' Motion to Strike Site Technologies, Inc.'s Motion to Dismiss, Transfer
- 6 or Stay ("Motion to Strike"), filed on January 20, 2009; and
- 7 • Defendants' L. Daniel Egger and Software Rights Archive LLC's ("SRA") Motion
- 8 to Quash Plaintiff's 30(b)(6) Notice of Deposition and for Protection ("Motion to
- 9 Quash"), filed on January 20, 2009.

9 Currently before this Court (Judge Fogel and Judge Trumbull) in Miscellaneous Action

10 No. C-09-80004 are:

- 11 • Yahoo!'s Motion to Compel Compliance with Yahoo!'s Subpoena on Murray &
- 12 Murray P.C. ("Motion to Compel Murray"), filed on January 20, 2009;
- 13 • Yahoo!'s Motion to Compel Compliance with Yahoo!'s Subpoena on Wilson,
- 14 Sonsini, Goodrich & Rosati ("Motion to Compel WSGR"), filed on January 20,
- 15 2009.

15 The Motion to Quash, Motion to Compel Murray, and Motion to Compel WSGR are

16 scheduled for hearing before Judge Trumbull on February 24, 2009. The Motion to Dismiss and

17 Motion to Strike are scheduled for hearing before this Court three days later, on February 27,

18 2009.

19 This action and the miscellaneous action appear to be related. The miscellaneous action

20 relates to *Software Rights Archive, LLC v. Google Inc., et al.*, Case No. 2:07-cv-511 (CE) (E.D.

21 Tex.), a case involving similar issues to those before this Court in this action. The Motion to

22 Compel Murray, the Motion to Compel WSGR, and the Motion to Strike may also involve

23 similar issues. The Motion to Quash and the Motion to Dismiss also may be related and involve

24 similar issues.

25 To conserve judicial resources, Miscellaneous Action No. C-09-80004 should be assigned

26 to this Court. For the same reason, all of these motions should be heard together.

1 IT IS THEREFORE ORDERED THAT the Agreed Rule 7-11 Motion to Consolidate
2 Pending Motions and Assign Related Miscellaneous Action to this Court is GRANTED. This
3 Court will hear the Motion to Dismiss, Motion to Strike, Motion to Quash, Motion to Compel
4 Murray, and Motion to Compel WSGR together on February 27, 2009 at 9:00AM.

5 Dated: 2/13, 2009

6 By:



Hon. Ronald M. Whyte
United States District Judge